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26392	7590	10/16/2006	EXAMINER	
LAW FIRM OF NAREN THAPPETA C/O LANDON IP, INC. 1700 DIAGONAL ROAD, SUITE 450 ALEXANDRIA, VA 22314				WILSON, ROBERT W
		ART UNIT		PAPER NUMBER
		2616		

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/976,004	PHADNIS ET AL.	
	Examiner Robert W. Wilson	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 August 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 24-37 and 79-141 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 24-26, 79-83, 95, 96, 103, 104, 110, 118, 119 and 122-141 is/are rejected.
- 7) Claim(s) 27-37, 84-94, 97-102, 105-109, 111-117, 120 and 121 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 79-83, 95-96, & 122-140 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Referring to claim 79, this claim is rejected because they are directed to sending a request but does not expressly define a practical application.

Referring to claim 80, this claim is rejected because it is directed to sending a request with information elements and receiving an acceptance message but does not expressly define a practical application.

Referring to claim 81, this claim is rejected because it is directed to sending a request with mandatory and non-mandatory information elements and receiving an acceptance message but does not expressly define a practical application

Referring to claim 82, this claim is rejected because it is directed to sending a request with mandatory and receiving an acceptance message but does not expressly define a practical application

Referring to claim 83, this claim is rejected because it is directed to sending a request with mandatory and non-mandatory information elements and receiving an acceptance message but does not expressly define a practical application

Referring to claim 95, this claim is rejected because they are directed to sending a request but does not expressly define a practical application.

Referring to claim 96, this claim is rejected because it is directed to sending a request with and sending an acceptance message but does not expressly define a practical application.

Referring to claims 122-134, these claims are directed to a computer readable medium carrying instructions for causing a device to perform a series of steps which are directed to non-statutory material because it is not clear whether the instructions are either computer executable or cause a computer to perform.

Claims 135-140, these claims are directed to a computer readable medium carrying instructions for causing a device to perform a series of steps which are directed to non-statutory material because it is not clear whether the instructions are either computer executable or cause a computer to perform.

Claim Objections

3. Claims 30-37 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Referring to claims 30-37, these claims are directed to device but they are dependent upon claim 128 which is directed to a computer readable medium, adding a device does not further limit the functions performed by the computer readable medium.

Claim Objections

4. Claims 27-29, 84-94, 97-102, 105-109, 111-115, & 120-121 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 24, 79, 83, 95-96, 103-104, 110, 118-119, 122, 135-136, & 141 are rejected under 35 U.S.C. 102(e) as being anticipated by Gupta (U.S. Patent No.: 6,278,714).

Referring to claim 24, Gupta teaches: a device (The Control Point Processor (210 per Fig 2) contains a Controlling Device (Fig 3B) (device) per col. 5 line 22 to col. 6 line 32) setting up a plurality of virtual circuits (setting up a Virtual Circuit Bunch (VCB) per col. 12 lines 40 to 56) between a first end system (node A per Fig 1) and a second end system (node J per Fig 1), said plurality of virtual circuits setup on a network connecting said first end system to said second end system (The plurality of VCs are setup on an ATM network which interconnects node A and node J per col 12 line 40 to 56) said device (The Control Point Processor (210 per Fig 2) contains a Controlling Device (Fig 3B) (device) per col., 5 line 22 to col. 6 line 32) comprising:

An outbound interface coupled to said network (COMMUNICATIONS PORT (385 per Fig 3B) is the outpoint interface coupled to the ATM network per col. 4 line 54 to col. 5 line 5)

A message construction block coupled to said outbound interface (CPU (355 per Fig 3B) is the message construction block which is coupled to the COMMUNICATIONS PORT (385 per Fig 3B) (outbound interface) per col. 6 lines 48 to 64) and

A call control logic for causing said message construction block to construction a first signaling message requesting said plurality of virtual circuits to be set up and to send said first signaling message on said network to said second end system (The CPU (355 per Fig 3B) has control logic for causing the CPU (355 per Fig 3B) to construct a first signaling message (Figs 7A, 7B, or 7C per col 8 line 9 to 49) to be set up and sent on the ATM network to node J (2nd end system) per col. 12 line 40 to 56)

In Addition Gupta teaches:

Regarding claim 141, wherein said first end system (Node a per Fig 1) is a first ATM switch (col. 5 line 3), said second end system (Node J per Fig 1) is a second ATM switch (col. 5 line 3) and said first signaling message (Fig 7A, 7B, 7C) is a single signaling message (col. 8 line 8 to 49) and said network is ATM network (col. 5 line 3)

Referring to claim 79, Gupta teaches: a method of setting up a plurality of virtual circuits between a first asynchronous transfer mode (ATM) switch and a second ATM switch, said plurality of virtual circuits being setup on a ATM network connecting said first ATM switch to said second ATM switch (The Controlling Device (Fig 3B) performs the method of setting up a plurality of virtual circuits (col. 12 line 40 to 56) between a first Asynchronous Transfer Mode Switch (node A per Fig 1) and a second Asynchronous Transfer Mode Switch (node J per Fig 1), said plurality of virtual circuits setup on a network connecting said first ATM switch to said second ATM switch (The plurality of VCs are setup on an ATM network col. 5 line 2 which interconnects node A (first Asynchronous Transfer Mode Switch) and node J(second Asynchronous Transfer Mode Switch) per col. 12 lines 40 to 56) said method comprising:

Sending on said ATM network to said second ATM switch a single signaling message requesting a plurality of virtual circuits (A first signaling message (Fig 7A, 7B, 7B) requesting a plurality of virtual circuits (VCB per col. 12 lines 40 to 56) is sent to node J (second ATM switch)

In Addition Gupta teaches:

Regarding claim 83, further comprising: receiving an acceptance message (ACK per col. 12 lines 40 to 56) said acceptance message indicating that a plurality of ATM switches (Nodes between A & J per Fig 1) in a connection path (links between nodes per Fig 1) between said first ATM switch (Node A) and second ATM switch have set up said plurality of virtual circuits (VCB) per col. 12 lines 40 to 56)

Referring to claim 95, Gupta teaches: a method of supporting setting up a plurality of virtual circuits between a first asynchronous transfer mode (ATM) switch and a second ATM switch, said plurality of virtual circuits being setup on a ATM network connecting said first ATM switch to said second ATM switch (The Controlling Device (Fig 3B) in node J supports the method of setting up a plurality of virtual circuits (set-up VCB per col. 12 lines 40 to 56) between a first Asynchronous Transfer Mode Switch (node A per Fig 1) and a second Asynchronous Transfer Mode Switch (node J per Fig 1), said plurality of virtual circuits terminating on the first ATM switch and said second ATM switch (The plurality of VCs terminate on CP as endpoint per col. 5 lines 66 in node A (first Asynchronous Transfer Mode Switch) and terminate (end point of a VC per col. 5 line 65 to col. 6 line 2 & col. 12 lines 40 to 56) node J (second Asynchronous Transfer Mode Switch)) said method comprising:

Receiving from said first ATM switch on said ATM network a signaling request requesting said plurality of virtual circuits to be set up (node J (receives) a signaling request (Fig 7A, 7B, or 7C) requesting a plurality of virtual circuits (VCB per col. 12 lines 40 to 56)

In Addition Gupta teaches:

Regarding claim 96, wherein said method further comprises sending an acceptance message (ACK per col. 12 lines 40 to 56) if said plurality of virtual circuits (VCB REQUEST per Fig 7A, 7B, 7C) can be set up between said device (CP per 2) and said second ATM switch (node J per Fig 1) in response to a single request (Fig 7A, 7B, or 7C)

Referring to claim 103, Gupta teaches: an apparatus for supporting the setting up of a plurality of virtual circuits between a first ATM switch and a second ATM switch, said plurality of virtual circuits being set up on a ATM network connecting said first ATM switch to said second ATM switching said plurality of virtual circuits terminating at said first ATM switch and said second ATM switch (Controlling Device (Fig 3B) in node J (Fig 1) (apparatus) for supporting the setting up a plurality of virtual circuits (VCB per col. 12 lines 40 to 56) between node A (First ATM switch) and node J (second ATM switch) the plurality of virtual circuits being set up (VCB setup per col. 12 lines 40 to 56) on an ATM network (col. 5 line 2) connecting node A per Fig 1 (First ATM switch) to node J per Fig 1 (second ATM switch) with the plurality of virtual circuits terminating (The plurality of VCs terminate on CP as endpoint in nodes per col. 5 lines 66) on node A per Fig 1 and node J (second ATM switch) per col. 12 lines 40 to 56)

An in-bound interface for receiving from said first ATM switch on said ATM network a single signaling request requesting said plurality of virtual circuits to be set up (Node J (Fig 1) has COMMUNICATIONS PORT (385 PER Fig 3B) (in-bound interface) which is capable of receiving from node A (Fig 1) (First ATM switch) on the ATM network (Fig 1) a single signal request (Fig 7A, 7B, or 7C) requesting said plurality of virtual circuits to be setup (VCB setup per col. 12 lines 40 to 56)

In Addition Gupta teaches:

Regarding claim 104, wherein said apparatus further comprise a call control logic (The node J has a CP which has call control logic) for receiving a single signaling message (Fig 7A, 7B, or 7C) said apparatus sending an acceptance message (ACK) if said plurality of virtual circuits (VCB) can be set up between a device (node) containing said apparatus (CP) and said second ATM switch (node J per Fig 1) in response to said single signaling request (Fig 7A, 7B, or 7C) per col. 12 lines 40 to 56)

Referring to claim 110, Gupta teaches: a device for setting up a plurality of virtual circuits between a first ATM switch and a second ATM switch, said plurality of virtual circuits being set up on a ATM network connecting said first ATM switch to said second ATM switch ,said plurality of virtual circuits terminating at said first ATM switch and said second ATM switch, said device being located in a communication path between said first ATM switch and said second ATM switch, (Controlling Point (210 per Fig 2) (device) for the setting up a plurality of virtual circuits between node A (First ATM switch) and node J (second ATM switch) the plurality of virtual circuits being set up on an ATM network connecting node A per Fig 1 (First

ATM switch) to node J per Fig 1 (second ATM switch) with the plurality of virtual circuits terminating (end point of a VC per col. 5 line 65 to col. 6 line 2 & col. 12 lines 40 to 56) on node A per Fig 1) and node J (second ATM switch) the plurality of virtual circuits terminating (end point of a VC per col. 5 line 65 to col. 6 line 2 & col. 12 lines 40 to 56) on node A and node J per col. 12 lines 40 to 56) said device being located on a path between said first ATM switch and said second ATM switch (A CP that controls several switches can be located in another switch which would be in the network or along the path between node A and node J per col. 4 line 54 to col. 8 line 49)) said device comprising:

Means for sending on said ATM network to said second ATM switch a single signal message requesting said plurality of virtual circuit to be set up ((Node A (Fig 1) has COMMUNICATIONS PORT (385 PER Fig 3B) (means for sending) within the Control Point which is capable of sending from node A (Fig 1) (First ATM switch) on the ATM network (col. 5 line 2) a single signal request (Fig 7A, 7B, or 7C) requesting said plurality of virtual circuits (VCB) to be setup on node J (second ATM switch) per col. 12 lines 40 to 56)

Referring to claim 118, Gupta teaches: a device for supporting setting up a plurality of virtual circuits between a first ATM switch and a second ATM switch, said plurality of virtual circuits being set up on a ATM network connecting said first ATM switch to said second ATM switch , each of said plurality of virtual circuits terminating at said first ATM switch and said second ATM switch, (Controlling Point (210 per Fig 2) (device) for the supporting setting up a plurality of virtual circuits (VCB) between node A (First ATM switch) and node J (second ATM switch) the plurality of virtual circuits being set up on an ATM network (col. 5 line 2) connecting node A per Fig 1 (First ATM switch) to node J per Fig 1 (second ATM switch) with the plurality of virtual circuits (The plurality of VCs terminate on CP as endpoint node A per col. 5 lines 66) terminating on node A per Fig 1) and node J (second ATM switch per col. 12 lines 40 to 56) said device comprising:

Means for receiving from said first ATM switch on said ATM network a single signaling request requesting said plurality of virtual circuits to be setup ((Node J (Fig 1) has COMMUNICATIONS PORT (385 PER Fig 3B) (means for receiving) within the Control Point which is capable of receiving from node A (Fig 1) (First ATM switch) on the ATM network (Fig 1) a single signal request (Fig 7A, 7B, or 7C) requesting said plurality of virtual circuits (VCB) to be setup on node J (second ATM switch) per col. 12 lines 40 to 56)

In Addition Gupta teaches:

Regarding claim 119, wherein said device further comprises means for sending an acceptance message if said plurality of virtual circuits can be set up between said device and said second ATM switch in response to said single signaling message ((Node J (Fig 1) has COMMUNICATIONS PORT (385 PER Fig 3B) (means for sending) within the Control Point which is capable of sending an ACK in response to a single signal request (Fig 7A, 7B, or 7C) requesting said plurality of virtual circuits (VCB) to be setup per col. 12 lines 40 to 56)

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Referring to claim 122, Gupta teaches: a computer readable medium ((365 per Fig 3B) and per col. 6 line 33-67) carrying one or more sequences of instructions (col. 4 lines 7 to 50) for causing a device for supporting setting up a plurality of virtual circuits between a first ATM switch and a second ATM switch, said plurality of virtual circuits being set up on a ATM network connecting said first ATM switch to said second ATM switch , each of said plurality of virtual circuits terminating at said first ATM switch and said second ATM switch, by one or more processors contained in said device causes said one or more processor to perform the action (Controlling Point (210 per Fig 2) (device) for the supporting setting up a plurality of virtual circuits (VCB) between node A (First ATM switch) and node J (second ATM switch) the plurality of virtual circuits being set up on an ATM network (col. 5 line 2) connecting node A per Fig 1 (First ATM switch) to node J per Fig 1 (second ATM switch) with the plurality of virtual circuits terminating (The plurality of VCs terminate on CP as endpoint node A per col. 5 lines 66 terminating on node A per Fig 1) and node J (The plurality of VCs terminate on CP as endpoint node J per col. 5 lines 66 per Fig 1 second ATM switch per col. 12 lines 40 to 56. A CP that controls several switches can be located in another switch which would be in the network or along the path between node A and node J per col. 4 line 54 to col. 8 line 49) perform the action of sending on said ATM network to said second ATM switch a single signaling message requesting said plurality of virtual circuits to be set up ((Node A (Fig 1) is capable of sending from node A (Fig 1) (First ATM switch) on the ATM network (Fig 1) a single signal request (Fig 7A, 7B, or 7C) requesting said plurality of virtual circuits (VCB) to be setup on node J (second ATM switch) per col. 12 lines 40 to 56)

Referring to claim 135, Gupta teaches: a computer readable medium ((365 per Fig 3B) and per col. 6 line 33-67) carrying one or more sequences of instructions (col. 4 lines 7 to 50) for causing a device to support setting up a plurality of virtual circuits between a first ATM switch and a second ATM switch, said plurality of virtual circuits being set up on a ATM network connecting said first ATM switch to said second ATM switch , each of said plurality of virtual circuits terminating at said first ATM switch and said second ATM switch, wherein execution of said one or more sequences of instructions by one or more processors contained in said device causes said one or more processors to perform the action (Controlling Point (210 per Fig 2) (device) for the supporting setting up a plurality of virtual circuits between node A (First ATM switch) and node J (second ATM switch) the plurality of virtual circuits being set up on an ATM network connecting node A per Fig 1 (First ATM switch) to node J per Fig 1 (second ATM switch) with the plurality of virtual circuits terminating (The plurality of VCs terminate on CP as endpoint node A per col. 5 lines 66 terminating on node A per Fig 1) and node J (The plurality of VCs terminate on CP as endpoint node J per Fig 1 & per col. 5 lines 66. A CPs (processors) contain RAM which is used to execute the instructions to perform the action per col. 4 line 6 to col. 8 line 49) perform the action of:

Receiving from said first ATM switch on said ATM network a signaling request requesting said plurality of virtual circuits to be set up (node J (receives) a signaling request (Fig, 7A, 7B, or 7C) requesting a plurality of virtual circuits (VCB) per col. 12 lines 40 to 56)

In addition Gupta teaches:

Regarding claim 136, further comprising sending an acceptance message (ACK) is said plurality of virtual circuits (VCB) can be set up between said device (CP) and said second ATM switch (node J per Fig 1) in response to said single signaling request alone (Fig 7A, 7B, or 7C (single signaling request alone per col. 12 lines 40 to 56)

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta (U.S. Patent No.: 6,278,714).

Referring to claim 25, Gupta teaches the device of claim 141, and receiving a request for a group of virtual circuits from an application (user node which requires an application to work or application per col. 12 line 41 to 56) and communicating the request to call control logic (The local node parse in Control Point (CP) per Fig 2 has call control logic) wherein said call control logic causes said single signaling message (Fig 7A, 7B, or 7C) to be sent in response to said request (col. 12 lines 41 to 56)

Gupta does not expressly call for: signaling application programming interface (API) receiving the request

Gupta teaches: the CP processing can be implemented in software per col. 5 line 22 to 43

It would have been obvious to one of ordinary skill in the art at the time of the invention because the Gupta teaches that the CP processing can be performed in software to implement the software as an application programming interface because it is a type of software implementation.

9. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta (U.S. Patent No.: 6,278,714) in view of the UNI Specification (IDS document of record)

Referring to claim 26, Gupta teaches the device of claim 25 wherein said outbound interface (385 per Fig 3B) sends said single signaling message (Fig 7A, 7B, or 7C) in the form of a plurality of Asynchronous Transfer Mode Cells (control message are exchanged between CPs and have to be ATM cells per col. 6 line 6 and col. 5 line 2) and said device further comprising: an output block to generate said message construction block to generate said single signal message which is coupled to said outbound interface (The CPU (355 per Fig 3B) has control logic for causing the CPU (355 per Fig 3B) to construct a single signaling message (Fig 7A, 7B, or 7C) which is coupled to 385 per Fig 3B (outbound interface) per col. 5 line 33 to col. 8 line 49.

Gupta does not expressly call for: a signaling ATM adaptation layer (SAAL) output block to encapsulate and generate the signal message as well as being coupled to the outbound interface.

The UNI specification teaches: set up message for ATM VCs are encapsulated using ATM adaptation layer (SAAL) which is used to generate the signal message per Para 4.1 Pg 35.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the SAAL encapsulation layer which would have to be coupled to the output interface in order to work of UNI specification to the device of Zendle in order to build a system which is standards compliant which will interoperate with legacy standards based systems.

Response to Amendment

10. Applicant's arguments with respect to claims 24-37 & 79-141 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Wilson whose telephone number is 571/272-3075. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 571/272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Robert W. Wilson
Robert W Wilson
Examiner
Art Unit 2616

10/03/06
RWW